

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED
JUL 29 1993
FEDERAL COMMUNICATIONS COMMISSION

In the Matter of

Telephone Number Portability

CC Docket No. 95-116

Petition for Reconsideration

Bell Atlantic¹ asks the Commission to reconsider and revise two aspects of the number portability cost recovery plan adopted in the *Third Report and Order* in this proceeding.

The lines to be surcharged. New section 52.33(a)(1)(A) of the Commission's Rules permits an incumbent LEC to assess one monthly number portability charge per line on "end users." Although the term "end user" is not defined in this part of the Commission's Rules, Bell Atlantic understands the new rule not to permit it to assess this charge on Feature Group A lines bought by carriers. The Commission should revise this rule to permit such charging.

A Feature Group A line purchased by a carrier connects to the end office switch and uses that switch in the same way as an end user line and, like an end user line, has a ten-digit telephone number which is portable. Feature Group A customers get the same benefits of Bell Atlantic's providing number portability as do end user customers who purchase local services. There is no reason that carrier customers of Feature Group A lines should not have to pay a number portability surcharge.

¹ The Bell Atlantic telephone companies are Bell Atlantic-Delaware, Inc.; Bell Atlantic-Maryland, Inc.; Bell Atlantic-New Jersey, Inc.; Bell Atlantic-Pennsylvania, Inc.; Bell Atlantic-Virginia, Inc.; Bell Atlantic-Washington, D.C., Inc.; Bell Atlantic-West Virginia, Inc.; New York Telephone Company and New England Telephone and Telegraph Company.

0-5

In addition, the Commission should reconsider its decision about the level of number portability surcharges Bell Atlantic may assess on PBX trunks and Centrex lines. The Order suggests that in making this decision the Commission was following the precedent it had established in the access reform proceeding.² That is a good precedent to follow. In that proceeding, the Commission concluded that a PBX trunk should bear a full PICC, while the presubscribed interexchange carrier for a Centrex line should pay only one-ninth as much.³ However, instead of following this approach (or explaining why it was deviating from past practice), the Commission required that a PBX trunk be charged nine full number portability surcharges and the Centrex line, one.⁴ While the ratio is the same, the level of charges is very different.⁵

When it established a low, one-ninth PICC on Centrex lines in the access reform proceeding, the Commission was concerned about the effect of assessing a higher, full PICC. This was because Centrex customers are often “government, education, and health care facilities.”⁶ The same logic that caused the Commission to require that Centrex lines bear only a one-ninth PICC should produce only a one-ninth number portability surcharge.

² *Third Report and Order* ¶ 145.

³ *Access Charge Reform*, 12 FCC Rcd 16606 at ¶¶ 31-42 (1997).

⁴ 47 C.F.R. § 52.33(a)(1)(A).

⁵ The Commission’s change to nine charges and one charge (from one and one-ninth) also destroyed the relationship the Commission had established with PRI ISDN lines, which bear five PICCs. Now instead of an ISDN line’s carrying five times the burden of a PBX line, it now carries only five-ninths as much.

⁶ *Access Charge Reform* ¶ 34.

Database query services. New rule 52.33(a)(2) allows a carrier to recover through its query service rates only “number portability costs,” and the Commission’s order says that this cannot include general overhead factors.⁷ These limitations should be changed.

First, Bell Atlantic’s query services can use Bell Atlantic’s telephone network in ways that cause Bell Atlantic to bear costs that are not strictly related to the provision of number portability. For example, it is the responsibility of the N-1 carrier to perform the number portability database lookup. If it does not do so and delivers a call to Bell Atlantic unqueried, then Bell Atlantic must perform the query. Most interexchange carrier traffic is delivered to Bell Atlantic at its end offices. If the interexchange carrier did not perform the query, the end office suspends call processing and checks its internal line translation information to determine whether the called number is in the switch. If this internal information indicates the called number is still in the switch, then normal call processing resumes, and the call is completed within the switch. If the number is not still in the switch, the call remains suspended, and the switch launches a query to the number portability database. The existing rule would allow Bell Atlantic to recover the costs of performing this lookup.

This is not the end of the process, however. When the response is received, the end office must formulate a new call setup message and select a trunk to transport the call from the end office to the tandem, where the switch routes the call to the correct carrier. There is no reason that Bell Atlantic should not be allowed to charge the N-1 carrier for all this additional use of Bell Atlantic’s network, but rule 52.33(a)(2) which allows a carrier to recover only its “number portability costs” could be read to preclude it.

⁷ *Third Report and Order* ¶ 74.

Second, the Commission has determined that number portability costs may not include general overhead factors. Whatever the merits of that decision for calculating the end user surcharge, it is plainly incorrect when applied to query services. Consistent with section 251(e)(2), the surcharge is designed to recover the costs of “establishing” number portability. The query services, however, are on-going services that utilize various components of a local exchange carrier’s network — both voice and signaling elements — much like ordinary access services. And like access services, query services should bear their fair share of Bell Atlantic’s general overhead costs.

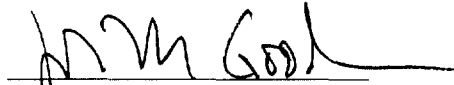
These query services are not “monopoly” services that only incumbent local exchange carriers do or can provide. The number portability regime contemplates that the N-1 carrier will perform the query, not the terminating LEC, and the Commission understood that these carriers would have their own database systems.⁸ Bell Atlantic understands that there are other companies that provide query services to N-1 carriers which have not deployed their own databases. There should be no reason for the Commission to want to keep the prices of query services low and no policy reason not to allow Bell Atlantic to recover its overhead costs through them.

⁸ *Telephone Number Portability*, 12 FCC Rcd 7236 at ¶ 125 & n.423 (1997) (“most interLATA calls will be queried by the major interexchange carriers, not the incumbent LECs.”).

Conclusion

For these reasons, Bell Atlantic respectfully requests the Commission reconsider its decision and modify its regulations accordingly.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J.M. Goodman", written over a horizontal line.

John M. Goodman
Attorney for Bell Atlantic

Michael E. Glover
Of Counsel

1300 I Street, N.W.
Washington, D.C. 20005
(202) 336-7874

Dated: July 29, 1998